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C O N F I D E N T I A L SECTION 01 OF 04 JAKARTA 001453

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DEPT FOR S/CT, EAP/MTS, DS/IP/EAP, DS/DSS/ITA, DS/CC  
DOJ FOR CTS THORNTON, AAG SWARTZ  
FBI FOR ETTIU/SSA ROTH  
NCTC/RUEILB/NCTC WASHINGTON DC

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SUBJECT: [INDONESIAN PROSECUTORS TACKLE 12 NEW TERROR CASES](#)

REF: A. 05 JAKARTA 09473 POLICE NAB 19 TERROR SUSPECTS

[1](#)B. 05 JAKARTA 16574 PARIS CT SEMINAR

Classified By: Political Officer Tim Hefner for reasons 1.4 (b) and (d)

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#### Summary

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[1](#)1. (C) Indonesian prosecutors have brought twelve new terrorism trials to the South Jakarta District Court with the case against Abdullah Sunata headlining this latest tranche (ref A). In Sunata's indictment, prosecutors accuse him of financing terrorism as well as providing assistance to Jemaah Islamiyah (JI) fugitives Umar Patek, Dulmatin, and Noordin M. Top, but prosecutors do not connect Sunata to specific terrorist events, usually required to necessitate GOI action (ref B). Prosecutors and police cooperated in developing the case against Sunata and the others, an unusual occurrence in the Indonesian law enforcement/judicial system. However, prosecutors do not have an easy road ahead of them in seeking convictions for Sunata and many of the other defendants. The charges against Sunata and several others carry maximum sentences of death. End Summary.

#### Weak Cases/Junior Prosecutors May Equal Trouble

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[1](#)2. (C) Twelve new terrorism cases began in late December and early January in the South Jakarta District Court with accused terrorist financier and facilitator Abdullah Sunata headlining the trials. His capture last June was among the year's key arrests. Some of the top prosecutors have told us that they believe most of the defendants have played only minor roles in terrorist activities, and many junior and middle-level prosecutors with little experience trying terrorists have been tasked with securing convictions. However, Andi Herman, former head of Sentencing Requests at the Jakarta High Prosecutor's Office, told us that he and his superior, Assistant High Prosecutor for General Crimes Noor Rachmad, understood the symbolic importance of these cases and worked to insure adequate prosecutions of all twelve cases.

[1](#)3. (C) Despite his assurance, Herman told us prosecutors do not have strong evidence and asserted that the cases hinge on the cooperation and testimonies of defendants. The cases had a rough start when prosecutors initially used their authority

to refuse to accept any of the dossiers from the Indonesian National Police (INP) on the grounds they were incomplete. The rejection resulted in an unusual level of pre-trial cooperation between police and prosecutors. Herman, at the direction of Rachmad, oversaw four separate meetings between prosecutors and terrorism investigators from the INP's Special Detachment-88 to develop acceptable dossiers. Herman had been scheduled to transfer out of Jakarta, but Rachmad refused to allow him to take his promotion until prosecutors and police had developed acceptable dossiers.

#### Weapons Possession Tops Sunata's Charges

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¶4. (C) The indictment against Abdullah Sunata (alias Arman Kristianto alias Andri) connects him with JI fugitives Umar Patek and Dulmatin following the 2002 Bali bombing and to Noordin M. Top following the 2004 Australian Embassy bombing, though it stops short connecting him to any specific terrorist event. Sunata faces a maximum death sentence for violating Article 9 of the 2003 Anti Terrorism Law for weapons possession with intent to commit acts of terrorism, and three to fifteen years respectively for violating Article 11 for financing acts of terrorism, and Article 13 for aiding and abetting.

¶5. (C) Though absent direct links to terrorist acts, Sunata's indictment clearly implicates him in the weapons charge, describing how he delivered and ordered others currently standing trial to pick up and deliver handguns, ammunition, and related items, such as barrel cleaners and a holster. Sunata also directed accused terrorist Purnama Putra to find automatic weapons for Top and others.

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#### Saudi Money Funding Jihad in Ambon, Southern Philippines

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¶6. (C) Prosecutors state in the indictment that Sunata received funds from a Saudi national named Sheik Abu Muhammad in three disbursements -- approximately 5000 USD (50 million rupiah), 6000 USD (60 million rupiah), and 25,000 USD (100,000 Saudi Riyals) -- for operational expenses. Sunata used these funds to send fighters to the Philippines, Ambon, and Manado, to support Umar Patek's activities in the Philippines, and to provide money to suspected terrorists pursued by the police. Sunata received the third distribution from Abu Muhammad in December 2004. Sunata also received 1500 USD (15 million rupiah) from accused terrorist Joko Sumanto, money he then sent to Umar Patek in the Philippines in October 2004 to purchase weapons. Additionally, Sunata gave accused terrorist Iqbal Husaini 50 USD (500,000 rupiah) and instructed him to open a bank account at the Depok branch of Bank Mandiri under the name of Adrian Alamsyah (account number 129-00-0482133-2). Sunata and others transferred funds to this account and used ATM transactions to provide financial assistance to the widows and children of Musa (NFI) and Aswad/Sawad (NFI-indictment misspells this name, we do not know which spelling is correct).

#### Helping Terrorists on the Run

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¶7. (C) In support of the Article 13 charge for aiding and abetting, prosecutors allege that Sunata knowingly assisted Umar Patek and Dulmatin while the INP searched for them in connection with the first Bali bombing. Sunata found and paid for safehouses for the two and directed others to assist them, playing a role in moving the JI figures and their families to the southern Philippines via Tawau in Sabah, Malaysia. Sunata also directed others to provide logistical support to Top after the Australian Embassy bombing. Prosecutors included in their indictment allegations of a discussion between Sunata and Top in which Top explained his

comprehensive bombing strategy and invited Sunata and his cohorts to join in his efforts, to which Sunata replied he needed to discuss the idea with his comrades.

18. (C) Since the trials began, strongly incriminating evidence supporting the charges against Sunata has yet to emerge. Prosecutors said they had more than 20 witnesses to call to make their case against Sunata, and judges requested a speedy trial with as many as five witnesses appearing per day. Several witnesses, most of whom stand accused of violating the 2003 Anti Terrorism Law as well, have appeared in court and willingly answered questions. Anecdotally, during accused terrorist Enceng Kurnia's (alias Arham alias Arnold) testimony, Arham admitted to accompanying Sunata in Ambon while Sunata worked for the local branch of the Muslim charity organization KOMPAK. Arham also said he and Sunata left Ambon in 1999 and traveled together to the Philippines to join in military training to prepare for jihad.

#### South Jakarta Court Hears Eleven More Terrorist Cases

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19. (C) The eleven other suspected terrorists facing charges in the South Jakarta District Court under the 2003 Anti Terrorism Law are as follows (ref A):

-- Iqbal Husaini (alias Ramly alias Adrian Alamsyah al Ryian alias Rambo), Articles 9, 11, 13, and 15. Husaini faces a primary charge of violating Article 9 for possessing weapons with intent to commit acts of terrorism. He also faces subsidiary charges for financing, aiding and abetting, and participating in acts of terrorism. Article 9 carries a maximum penalty of death.

-- Danny Chandra (alias Yusuf), Article 9, 13, Emergency Law 12/1951: Prosecutors have brought primary charges of illegal possession of weapons possession under the terrorism law and Article 1 of Emergency Law 12 from 1951. Chandra also faces Article 13 for aiding and abetting terrorism acts. Chandra could face the death penalty under Article 9.

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-- Ahmad Rafiq Rihdo (alias Ali Zein alias Allen alias Jamal alias Syaiful), Article 9, 13, 15: Rihdo faces several primary charges including participating in terrorist acts, weapons possession, which carries the death penalty, and aiding and abetting, which calls for three to fifteen years in prison.

-- Purnama Putra (alias Usman alias Usamah alias Ipung alias Risqy alias Uus alias Tikus), Article 9: Prosecutors also have levied an illegal possession of weapons and/or explosives charge against Usman, which carries the death penalty.

-- Enceng Kurnia (alias Arham alias Arnold alias Rahman), Articles 9, 13, Emergency Law 12/1951: Arham's dossier also concentrates on possession of weapons and carries a maximum penalty of death.

-- Joko Sumanto (alias Joko alias Cunto), Articles 9, 11, 13, and 15: Sumanto faces only one primary charge, financing the purchase of weapons and/or explosives, and of the twelve accused terrorists, he alone has a court-appointed defense attorney and not a Muslim Defense Team (TPM) lawyer. Police arrested five other suspects with Sumanto and subsequently questioned and released at least two of them, Suratmanto (alias Anto) and Hananto (alias Hana). At this time, the status of both Yusuf and Tugino (alias Gino) remains unknown.

-- Muhamad Iqbal (alias Bayhaqi), Articles 9, 11, 15, Emergency Law 12/1951: Prosecutors have three primary charges against Bayhaqi, all related to weapons possession. Two of these charges fall under the Anti Terrorism Law and could result in the death penalty. One of the two terrorism

charges relates to financing the purchase of weapons.

-- Salahudin Sutowijoyo (alias Miqdad Dumas alias Tito Ma'ruf alias Chepi), Articles 9, 15, Articles 55 and 266 of the Penal Code: Salahudin's indictment includes charges of making false statements and participating in criminal activities. Under the Anti Terror Law, Salahudin still faces a weapons charge which carries the death penalty.

-- Joni Ahmad Fauzani (alias Joni), Articles 7, 13, 15: Prosecutors accuse Fauzani of aiding and abetting and for the intentional use of or threat of violence to create an atmosphere of terror, as stated in Article 7 of the Anti Terrorism Law. The charge carries a 15-year maximum sentence.

-- Joko Triharmanto (alias Harun alias Jek bin Dalimun), Article 13 and Emergency Law 12/1951: Triharmanto faces minor charges of aiding and abetting and illegally possessing weapons.

-- Joko Tri Priyanto (alias Joko Gondrong alias Anto), Article 13: Priyanto faces a minor charge of aiding and abetting only. His indictment carries a maximum penalty of fifteen years in prison if convicted.

¶10. (SBU) Three other men arrested in late June-early July 2005 in Central Java may have been involved in the assassination of Central Sulawesi prosecutor Feri Silalahi. However, we do not have any further information about them at this time. Their names are Hence Malewa alias Babe, Farid Podungge alias Nene alias Wawan alias Andre, and Husain Amin Latina.

Comment  
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¶11. (C) Police-prosecutor cooperation early in the cycle signals a positive development, but this will be overshadowed if lack of evidence leads to few convictions or weak sentences. Prosecutors, however, have several weeks to develop their cases before the court, and most of the indictments contain several terrorism-related charges, giving judges options when deciding the cases. The use of Article 11 for financing terrorism signals a new tactic from prosecutors. In Sunata's indictment, prosecutors failed to connect him to a specific terrorist attack, a tactic which

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the AGO has shied away from utilizing in the past. Although the indictment has detailed descriptions of Sunata's activities, especially in receiving funds, prosecutors must find ways to convince other accused terrorists to testify against Sunata.  
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